



Mitchell E. Daniels, Jr.  
Governor

Judith A. Monroe, M.D.  
State Health Commissioner

# Indiana State Department of Health

*An Equal Opportunity Employer*

IN RE THE MATTER OF:

Ryan Edwards  
Hoosier IceMan, LLC  
405 Sunnyside Drive  
New Albany, IN 47150

Re: Variance Request Dated March 23, 2009 and Section 375,  
Conveying Sewage

## Order to Approve a Variance

You are hereby notified that based on the recommendation of the Food Protection Program, Indiana State Department of Health (ISDH), and as authorized by Indiana Code (IC) 16-19-3-4.3 and IC 16-42-5-5.2, the State Health Commissioner hereby orders that a variance be **approved** to Ryan Edwards, Hoosier IceMan, LLC, 405 Sunnyside Drive, New Albany, IN 47150.

This variance approval is based on the variance application received on March 25, 2009 and supplemental information provided that ensued as a result of the review.

## Order

This **VARIANCE APPROVAL** is based on the following conditions:

1. A hand washing sink will be installed in the Hoosier IceMan, LLC, 405 Sunnyside Drive, New Albany, IN 47150, as illustrated in the diagram submitted with the variance application.
2. The hand washing sink will be provided with hot and cold running water, hot water being provided through an on-demand electric water heater.
3. Only the water produced from the ice production may be drained into a French drain.
4. The wastewater produced from the hand washing sink and sanitizing the ice maker shall be diverted away from the French drain and drained and pumped aboard a holding tank on your service vehicle. A suitable valve to prevent wastewater leakage into the French drain must also be installed to facilitate this operation.
5. A written agreement must be contracted between the Hoosier IceMan, LLC and an existing entity for the approved disposal of the wastewater generated and collected from the Hoosier IceMan, LLC operation. A copy of the signed agreement and receipts for proof of any transactions shall be provided to the Clark County Health Department as proof of the approved disposal of the wastewater.

6. Chemicals and soap required in the cleaning and sanitizing of the Hoosier IceMan, LLC operation shall be properly stored in the ice hut according to law.
7. Gloves, ice bags, bag ties, and any other miscellaneous items needed in the operation of the Hoosier IceMan, LLC shall be properly stored in the ice hut according to law .
8. The conditions listed above also apply to the location in Sellersburg, another location in Clarksville, and two locations in Jeffersonville provided the locations are on city water and/or the municipal sewerage system is not available at a more reasonable price.
9. The installation and operation of Hoosier IceMan, LLC, must be in compliance with Indiana State Department of Health, Retail Food Sanitation Requirements, and 410 IAC 7-24.

Failure to comply with the aforementioned conditions constitutes a violation of the variance approval causing the order to be invalid. The facility is then subject to enforcement action to bring the establishment into compliance.

**If you wish to request an administrative review or stay of effectiveness of this decision pursuant to Ind. Code §4021.5-3-7(a), you must petition for such review in writing. The petition must state facts demonstrating that:**

- a. you are a person to whom the decision is specifically directed;
- b. you are aggrieved or adversely affected by the decision; or,
- c. you are entitled to review under any law.

**Your request for review or stay of effectiveness must be filed in writing with the State Health Commissioner, 2 North Meridian Street, Indianapolis, Indiana 46204, on or before**

**May 24, 2009. If no request for review or stay of effectiveness is filed by May 24, 2009, this decision shall become final.**

DATED AT INDIANAPOLIS, INDIANA, THIS 6<sup>th</sup> DAY OF MAY, 2009.

PURSUANT TO IC 16-19-3-4.3 AND IC 16-42-5-5.2, I HEREBY APPROVE A VARIANCE OF FOOD PROTECTION RULES AS STATED ABOVE.

JUDITH A. MONROE, M.D.  
STATE HEALTH COMMISSIONER

By: \_\_\_\_\_

Dawn M. Adams  
Operations Manager  
Public Health and Preparedness Commission

cc: ISDH Food Protection Program  
Clark County Health Department